

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

JESSIE EVANS,)
Petitioner)
v.) Case No. 1:05-cv-02321-UWC
D. B. DREW, WARDEN,)
Respondent)

ORDER

On November 15, 2005, the magistrate judge's report and recommendation was entered and the parties were allowed therein fifteen (15) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by the petitioner or the respondent.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge and it is therefore

ORDERED, ADJUDGED and DECREED that, because this motion is a successive 28 U.S.C. § 2255 motion, and because Evans has not obtained the necessary certification from the Eleventh Circuit Court of Appeals to be able to file a successive § 2255 motion, the motion is DENIED. Even if the petition is considered as a 28 U.S.C. § 2241 petition, it is ORDERED, ADJUDGED and

DECREEED that the petition is DENIED because petitioner has not shown that § 2255's savings clause is applicable or that petitioner is able to raise his claims on collateral review. This action hereby is DISMISSED WITH PREJUDICE.

DONE this the 10th day of February, 2006.



U.W. Clemon
Chief United States District Judge